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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 09/782,596                 | 02/12/2001  | Nathaniel M. McCully | 07844-413001 / P377 | 9487             |
| 21876                      | 7590        | 07/13/2006           | EXAMINER            |                  |
| FISH & RICHARDSON P.C.     |             |                      | STEVENS, ROBERT     |                  |
| P.O. Box 1022              |             |                      | ART UNIT            |                  |
| MINNEAPOLIS, MN 55440-1022 |             |                      | PAPER NUMBER        |                  |

2176

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/782,596 | <b>Applicant(s)</b><br>MCCULLY, NATHANIEL M. |  |
|                              | <b>Examiner</b><br>Robert Stevens    | <b>Art Unit</b><br>2176                      |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: pre-brief appeal conference request filed 4/6/2006.

2. This action is **Non-FINAL**.

3. The Office withdraws the previous rejections of the claims under 35 U.S.C. §103(a), in light of the amendment. However, new rejections of the claims under 35 U.S.C. §103(a) have been set forth below citing new art.

4. Claims 1-16 are pending. Claims 1, 8, 15 and 16 are independent.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Verhelst et al (US Patent No. 5,068,809, filed Mar. 1, 1990 and issued Nov. 26, 1991, hereafter referred to as “Verhelst”) in view of Hollett (US Patent No. 4,891,770, filed Jul. 27, 1987 and issued Jan. 2, 1990, hereafter referred to as “Hollett”).

**Independent claim 1 states:**

*A computer program product, stored on a machine-readable medium, comprising instructions operable to cause a programmable processor to:*  
*determine the height of text consisting of a plurality of characters to be arranged within a current line in a grid displayed on a display device;*  
*demarcate an arrangement region that includes the current line and at least one subsequent line if the height of the text is larger than a specified dimension for the grid;*  
*set a coordination line within the management region according to a selected coordination mode; and*  
*arrange the plurality of characters within the arrangement region while coordinating the plurality of characters with the coordination line.*

**Regarding claim 1,** Verhelst discloses determining the height of text arranged/displayed in the grid of Figure 12, illustrating text and grid lines of differing point size, in the context of the discussion on ascender and descender values for character fonts in column 12 line 65 – col. 13 line. Verhelst further shows adjusting grid line spacing based upon a dimension threshold in Figure 12, showing a variation in grid line spacing, as taken in context of the discussion of column 13 lines 14-29 concerning adjusting grid line spacing based upon the equation set forth at column 12 line 67 – column 13 line 7. Verhelst teaches selecting coordination modes at column 13 lines 30-38, discussing the setting a “base line grid” property. Verhelst further teaches the arrangement of a plurality of characters in association with a coordination line in Figure 12, showing the arrangement of text in association with grid lines (i.e., baselines), noting that

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Verhelst took into account ascender and descender values (i.e., character height above/below a baseline) for character fonts in col. 12 lines 65-67.

However, Verhelst does not explicitly disclose demarcating a region comprising at least two lines (i.e., current line plus at least one subsequent line) in Figure 12. Hollett, though, teaches demarcating a text region encompassing at least two lines in Figure 4, showing, for example, text region 4 encompassing three lines. Additionally, Hollett discusses calculating a text region extending 10 characters up/down at column 4 lines 11-23, it being noted that each vertically arranged (i.e., up/down) character equates to a line.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hollett for the benefit of Verhelst, because to do so would have allowed one to automatically draw blocks of text to an optimum size, as taught by Hollett in the Abstract. These references were all applicable to the same field of endeavor, i.e., electronic document formatting.

**Regarding claims 2-5,** Verhelst discloses a grid having a plurality of lines displaying English characters in various font point sizes in Figure 12, showing an adjustable grid displaying English characters. It is noted that the language (i.e., English, Chinese, Japanese, Korean, etc.) of the text characters presented in the grid was an obvious variant to one skilled in the art at the time of the invention. Verhelst further discusses grid orientation (i.e., movement) in column 2 lines 34-41, and grid font point dimension in Figure 4 and column 12 lines 47-58, which discusses selection of grid properties including, inter alia, size in Didot” (i.e., point size).

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Verhelst further teaches a baseline coordination mode in column 10 lines 39-47, discussing document layout based upon a baseline.

**Regarding claims 6-7,** Verhelst discloses the calculation of character size including ascender and descender values in the passage at column 12 line 65 – column 13 line 21. It is noted that the font size, such as discussed at column 12 lines 53-58, implicitly includes the vertical and horizontal dimensions of a character.

**Claims 8-14** are directed to the method implemented by a processor using the computer program product of claims 1-7. As such, these claims are substantially similar to claims 1-7, respectively, and therefore likewise rejected.

**Independent claim 15 states:**

*A desktop publishing system for controlling forced grid line spacing, comprising:  
a desktop publishing processing control device provided with a font file,  
the font file storing character font information for performing typesetting, and  
with typesetting control means having a control means for forced grid line  
spacing;  
a display device displaying data being typeset; and  
input means for user input;  
the control means for forced grid line spacing being arranged to:  
determine whether a maximum dimension of a plurality of  
characters to be arranged according to a selected coordination mode  
within a current line of a grid displayed on the display device exceeds a  
specified dimension of the grid;  
select a current line and at least one subsequent line; and  
arrange the plurality of characters within an arrangement space  
demarcated by the selected plurality of lines, based on the coordination  
mode.*

**Regarding claim 15**, Verhelst discloses a desktop publishing system for grid line spacing in the Abstract, discussing a desktop publishing system for preparing and managing documents, including grid line spacing, in the context of column 13 lines 7-11, discussing font class property data, and column 13 lines 31-38, discussing a control means for changing grid pattern. Verhelst discloses a display means for typeset data in Figures 1a and 1b, showing a display device (see Fig. 1a #2 and Fig. 1b #2), in the context of Figure 12, showing a grid layout. Verhelst discloses a user input means in Figures 1a and 1b, showing keyboard and mouse devices (see Fig. 1a #3 and 4, and Fig. 1b #3 and 4). Verhelst discloses determining the height of text arranged/displayed in the grid of Figure 12, illustrating text and grid lines of differing point size, in the context of the discussion on ascender and descender values for character fonts in column 12 line 65 – col. 13 line. Verhelst further shows adjusting grid line spacing based upon a dimension threshold in Figure 12, showing a variation in grid line spacing, as taken in context of the discussion of column 13 lines 14-29 concerning adjusting grid line spacing based upon the equation set forth at column 12 line 67 – column 13 line 7. Verhelst teaches selecting coordination modes at column 13 lines 30-38, discussing the setting a “base line grid” property. Verhelst further teaches the arrangement of a plurality of characters in association with a coordination line in Figure 12, showing the arrangement of text in association with grid lines (i.e., baselines), noting that Verhelst took into account ascender and descender values (i.e., character height above/below a baseline) for character fonts in col. 12 lines 65-67.

However, Verhelst does not explicitly disclose demarcating a region comprising at least two lines (i.e., current line plus at least one subsequent line) in Figure 12. Hollett, though,

teaches demarcating a text region encompassing at least two lines in Figure 4, showing, for example, text region 4 encompassing three lines. Additionally, Hollett discusses calculating a text region extending 10 characters up/down at column 4 lines 11-23, it being noted that each vertically arranged (i.e., up/down) character equates to a line.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hollett for the benefit of Verhelst, because to do so would have allowed one to automatically draw blocks of text to an optimum size, as taught by Hollett in the Abstract. These references were all applicable to the same field of endeavor, i.e., electronic document formatting.

**Independent claim 16** is directed to the method implemented by the system of claim 15. As such, this claim is substantially similar to claim 15, and therefore likewise rejected.

### ***Response to Arguments***

7. Applicant's arguments have been fully considered but they are not persuasive.

Applicant's arguments are deemed to be moot in light of the withdrawal of the previous rejections under 35 USC §103(a), and the citing of new art with this Action.



For these reasons, the Office asserts the rejections under 35 USC 103(a) as set forth above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***US Patents***

|                |           |
|----------------|-----------|
| Bartlett et al | 4,608,664 |
| Kimura et al   | 4,755,955 |
| Arnao          | 4,860,456 |
| Jih            | 4,251,799 |
| Kleinman       | 4,974,174 |

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Stevens  
Art Unit 2176  
Date: July 6, 2006

rs

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**